

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THOMAS W. CURTIS,

Plaintiff

Case No. 3:20-cv-00640-MMD-WGC

ORDER

v.

LAKES CROSSING CENTER,

Defendant

I. DISCUSSION

On November 16, 2020, Plaintiff, currently residing at Lakes Crossing Center, submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff's complaint and Plaintiff's application to proceed *in forma pauperis* are both incomplete.

Plaintiff's Complaint

The Court has reviewed Plaintiff's complaint and finds it is difficult to understand. (ECF No. 1-1). In order to help Plaintiff file a properly formatted complaint, the Court directs Plaintiff to submit a "First Amended Complaint" on this Court's approved form. The Court grants Plaintiff a **one-time extension** to submit a First Amended Complaint on this Court's approved form on or before **January 19, 2021**.

Plaintiff's Application to Proceed *in Forma Pauperis*

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed *in Forma Pauperis* for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. If Plaintiff has not been at the Lakes Crossing Center a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

Plaintiff has not submitted an application to proceed *in forma pauperis* on this Court's approved form and has not included a Financial Certificate (page 4 of the application) or an inmate account statement. Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) without prejudice because the application is incomplete.

The Court will grant Plaintiff a **one-time extension** until on or before **January 19, 2021**, to file either a fully complete application to proceed *in forma pauperis* containing all three of the required documents or pay the full \$400 filing fee. Absent unusual circumstances, the Court will not grant any further extensions of time.

If Plaintiff does not file either a fully complete application to proceed *in forma pauperis* with all three required documents or pay the full \$400 filing fee on or before **January 19, 2021**, this case will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to either acquire all three of the documents needed to file a fully complete application to proceed *in forma pauperis* or pays the full \$400 filing fee.

A dismissal without prejudice means Plaintiff does not give up the right to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to submit with the application to proceed *in forma pauperis*. Plaintiff may also choose not to file an application to proceed *in forma pauperis* and instead pay the full filing fee of \$400 on or before **January 19, 2021** to proceed with this case.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send to

1 Plaintiff the approved form for filing a § 1983 complaint, instructions for the same, and a
2 copy of his original complaint. (ECF No. 1-1). If Plaintiff files a First Amended Complaint,
3 he should use the Court's approved form and he must write the words "First Amended"
4 above the words "Civil Rights Complaint" in the caption.

5 IT IS FURTHER ORDERD that if Plaintiff chooses to file a First Amended
6 Complaint, Plaintiff will file the signed amended complaint to this Court on or before
7 **January 19, 2021.**

8 IT IS FURTHER ORDERED that Plaintiff's application to proceed *in forma pauperis*
9 (ECF No. 1) is denied without prejudice to file either a new and fully complete application
10 to proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee.

11 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
12 approved form application to proceed *in forma pauperis* by an inmate, as well as the
13 document entitled information and instructions for filing an *in forma pauperis* application.

14 IT IS FURTHER ORDERED that on or before **January 19, 2021**, Plaintiff will either
15 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
16 administrative fee) or file with the Court:

17 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
18 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
19 signatures on page 3),

20 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
21 official (i.e. page 4 of this Court's approved form), and

22 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
23 **previous six-month period.** If Plaintiff has not been at the Lakes Crossing Center a full
24 six-month period, Plaintiff must still submit an inmate account statement for the dates he
25 has been present at the facility.

26 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
27 application to proceed *in forma pauperis* with all three documents or pay the full \$400
28 filing fee for a civil action on or before **January 19, 2021**, this case will be subject to

1 dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case
2 number, when Plaintiff has all three documents needed to file a complete application to
3 proceed *in forma pauperis* or pays the full \$400 filing fee.

4 DATED: November 20, 2020

5 William G. Cobb
6 UNITED STATES MAGISTRATE JUDGE
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